

1 THE DISTRICT OF COLUMBIA TAXICAB COMMISSION

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5 PUBLIC MEETING6
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9 WEDNESDAY, JULY 25, 200610
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13 The public meeting met in The ARC
14 Theater, at 1901 Mississippi Avenue, SE,
15 Washington, D.C., at 10:00 a.m., Leon Swain,
16 Chairman, presiding.17
18 COMMISSIONERS PRESENT:19
20 LEON SWAIN, Chairman
21 DOREEN THOMPSON, General Counsel and
22 Secretary
23 TERESA TRAVIS, Commissioner
24 THOMAS HEINEMANN, Commissioner
25 STANLEY TAPSCOTT, Commissioner
26 WILLIAM HENRY CARTER, Commissioner27
28 OFFICE OF TAX AND REVENUE:29
30 WILLIAM BOWIE, Assistant General Counsel
31 ANGELA JONES, Customer Service
32 Operations Manager
33 LATOYA BOYD, Customer Service Specialist34
35 DEPARTMENT OF MOTOR VEHICLES:36
37 JAMES EDWARDS, Service Center Manager
38 KENNETH EDMONSON, Vehicle Services
39 Administrator40
41 COUNCIL OF THE DISTRICT OF COLUMBIA
42 DAVID VACCA, Legislative Analyst,
43 Committee of Public Works and the
44 Environment2
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T-A-B-L-E O-F C-O-N-T-E-N-T-S

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ITEM

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CALL TO ORDER

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Leon Swain, Chairman

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ROLE CALL AND QUORUM

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Doreen Thompson, GENERAL COUNSEL and

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General Counsel

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INTRODUCTION

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Leon Swain, Chairman

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PUBLIC QUESTION & ANSWER.....

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Leon Swain, Chairman

1 P-R-O-C-E-E-D-I-N-G-S

2 (10:21 a.m.)

3 CHAIRMAN SWAIN: Good morning,
4 everyone. I apologize for the delay but we
5 are about to get started with our meeting.
6 It's going to be an abbreviated meeting
7 because really what we want to do is give you
8 an opportunity to ask questions from the
9 Department of Motor Vehicles and also from the
10 Department of Tax, I mean the Office of Tax
11 and Revenue.

12 So without further adieu, I'm going
13 to go ahead and call the meeting to order.

14 And I would like to know if we can
15 have a moment of silence please.

16 (Whereupon, a moment of silence was
17 observed.)

18 Thank you very much.

19 Can we determine if we have a
20 quorum, please?

21 GENERAL COUNSEL THOMPSON: I'm
22 going to call role and ask the Commissioners

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1 to please respond when they hear their names.

2 Commissioner Allen?

3 (No audible response.)

4 Commissioner Baker?

5 (No audible response.)

6 Commissioner Carter?

7 COMMISSIONER CARTER: Here.

8 GENERAL COUNSEL THOMPSON:

9 Commissioner Tapscott?

10 COMMISSIONER TAPSCOTT: Here.

11 GENERAL COUNSEL THOMPSON:

12 Commissioner Heinemann?

13 COMMISSIONER HEINEMANN: Here.

14 GENERAL COUNSEL THOMPSON:

15 Commissioner Pawha?

16 (No audible response.)

17 Commissioner Travis?

18 COMMISSIONER TRAVIS: Here.

19 GENERAL COUNSEL THOMPSON: We have

20 a quorum for purposes of holding this meeting

21 and voting on any items that might require a

22 vote.

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1 CHAIRMAN SWAIN: Thank you.

2 Okay, what we're going to do--we're
3 going to have communications from the members
4 of the Commission, and then I'll make a
5 statement afterwards.

6 Do any of the Commissioners have
7 anything they would like to report?

8 Mr. Tapscott?

9 COMMISSIONER TAPSCOTT: What's
10 that?

11 CHAIRMAN SWAIN: Do you have
12 anything you'd like to report?

13 COMMISSIONER TAPSCOTT: Not at this
14 moment, no.

15 CHAIRMAN SWAIN: Okay. Ms. Travis?

16 COMMISSIONER TRAVIS: No.

17 CHAIRMAN SWAIN: Mr. Heinemann?

18 COMMISSIONER HEINEMANN: No, no.
19 Not at this moment.

20 CHAIRMAN SWAIN: Mr. Carter?

21 COMMISSIONER CARTER: Not at this
22 time.

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1 CHAIRMAN SWAIN: Okay. Well then
2 I'll just give a brief statement on my own.

3 My name is Leon Swain. And as you
4 can probably tell, this is my first meeting.
5 I have been appointed to the DC Taxicab
6 Commission, effective June the 25th.

7 I look forward to working with each
8 and every one of you and I look forward to
9 trying to find ways to make this industry far
10 better than what it is. But I will tell you
11 that I need your input. I can't do this by
12 myself. You know of problems that I have
13 absolutely no idea exist and I would like to
14 have an open door policy where you feel that
15 you can come and speak to me and keep me
16 advised of what is going on, what type of
17 things you're interested in seeing happen with
18 the industry. And I want to have a fair
19 exchange of information.

20 My telephone number, my home
21 telephone number, my work telephone number,
22 they're all posted on the website. Feel free

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1 to call me at anytime. I do go to bed at 11
2 o'clock.

3 (Laughter.)

4 Other than that, feel free to
5 contact me. If you would like to come into
6 the office and talk, I'm more than willing to
7 meet with you anywhere.

8 I do know that there is a meeting
9 on Friday at 45 Q Street where there is going
10 to be about 200 drivers who said they want to
11 meet --just to talk. And so I plan on being
12 there. It starts at five o'clock at 45 Q, and
13 I would appreciate seeing you and everybody
14 else there because I would really like to know
15 what's on your mind and what we can do to make
16 this industry better.

17 So with that, I will go ahead and
18 read the Agenda so we can get started.

19 First off, I would be remiss if I
20 didn't thank Ms. Doreen Thompson, the former
21 interim chairperson. She has done a yeoman's
22 job. She has really, really done some

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1 extraordinary things at the Agency and she has
2 helped me tremendously. I look forward to
3 working with her rather extensively and
4 continue a working relationship with her.

5 Additionally, I appreciate the fact
6 that the Department of Motor Vehicles has sent
7 their representatives and also the Office of
8 Tax and Revenue sent their representatives to
9 this meeting.

10 Okay. Moving on.

11 Like I said, we're going to go
12 ahead and we're going to start the meeting and
13 I'll read the Agenda as we have it set.

14 The Tax - I'm sorry.

15 GENERAL COUNSEL THOMPSON: There
16 are two voting items.

17 CHAIRMAN SWAIN: Okay.

18 GENERAL COUNSEL THOMPSON: That
19 don't appear on the Agenda.

20 CHAIRMAN SWAIN: Get the vote
21 items, okay.

22 GENERAL COUNSEL THOMPSON: We have

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1 on the, on the Agenda, we're going to get this
2 business out of the way very quickly so that
3 you can address what you've come for.

4 There are two items. One is the
5 minutes from the meeting, our meeting in May.
6 I don't know whether the Commissioners have
7 had a chance to take a look at the minutes,
8 whether there's any un-readiness. You can
9 always,---it would've been sent
10 electronically. Transcript Error: the members
11 who were present with the exception of Mrs.
12 Travis and Chairman Swain were asked whether
13 they received the minutes---this does not
14 appear in the transcript)

15 CHAIRMAN SWAIN: I never got them
16 (Transcript Error: See above).

17 GENERAL COUNSEL THOMPSON: Mr.
18 Carter?

19 COMMISSIONER CARTER: No objection.
20 (Transcript Error: This does not appear to be
21 accurate).

22 GENERAL COUNSEL THOMPSON: Okay.

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1 So we will table that item.

2 At to the second item --- at the
3 last, at the meeting in May, there was some
4 concern about the fact that loitering by
5 taxicabs is being dealt with as a misdemeanor.
6 District legislation actually provides that it
7 be treated as a misdemeanor. One of the
8 things the Commission could do today, if it is
9 ready to do so, is that we can begin the
10 process of changing this. It's actually
11 legislation, old legislation actually that
12 preceded even home rule that said loitering by
13 public vehicles for hire would be treated as a
14 misdemeanor, with a fine not to exceed 40
15 dollars. There's some concern Mrs. Travis
16 raised at the last meeting that enforcement by
17 MPD has been more stringent. But this is what
18 the law says. And I think the Commission
19 generally would like to have that law changed
20 so that it is only enforced as a civil
21 infraction---to ensure that there is no
22 possibility that someone could in fact be

1 arrested for loitering. We are---this was not
2 an item that was presented in terms of the
3 language to the Commission before this
4 meeting, but we raised it here this morning
5 because the legislative process is so
6 extensive. It requires a number of steps--
7 after it's been---after the language has been
8 prepared,---it has to modify some very old
9 legislation---As I mentioned, pre-home rule
10 legislation back when the District was run by
11 a commissioner form of government actually--
12 it has to go to the Office of the Attorney
13 General. It also has to go to the Office of
14 Inter-governmental Affairs and eventually
15 over to the Council which, as you know, is on
16 recess and will be back in September. And
17 it's a six or seven month process.

18 If there is any unreadiness on the
19 part of the Commissioners to begin the process
20 at this point, that's okay as well.

21 COMMISSIONER TRAVIS: Question.

22 GENERAL COUNSEL THOMPSON: I just

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1 wanted to bring that issue up today.

2 COMMISSIONER TAPSCOTT: Question.
3 If the Commission is going to be involved,
4 should this --

5 GENERAL COUNSEL THOMPSON: Use
6 that, Ms. Travis. (*Transcript Error: This*
7 *makes no sense - or something missing?*)

8 COMMISSIONER TAPSCOTT: The
9 question is, if the Commission is going to be
10 involved, should this have gone to the Panel
11 on Rates and Rules and then to the full
12 Commission?

13 GENERAL COUNSEL THOMPSON: Well, as
14 I said, the reason for raising it in this
15 meeting is because the process is a seven
16 month process and the Commission does not have
17 a session in August. It can---however, it can
18 come back up in September. The Council then
19 goes back out of session in December and then
20 you have to reintroduce it. If there is any
21 unreadiness, it's perfectly okay.

22 CHAIRMAN SWAIN: Ms. Travis?

1 COMMISSIONER TRAVIS: Basically at
2 31 [Title 31 of the District of Columbia
3 regulations) says it is a misdemeanor and the
4 fine is from 10 to 40 dollars; yet they are
5 being charged more by police. And I think
6 there needs to be some clarification there. I
7 did talk with the driver who is supposed to
8 bring me where you find it in the Code,
9 because you said you could not find it in the
10 Code. And he told me where but he was
11 supposed to bring me a copy of that to bring
12 to the meeting. So unfortunately I didn't get
13 that, but as soon as I get that, I will bring
14 that, get that to you so you can find out
15 where in the code does it say that it's a
16 criminal offense and that the charge is much,
17 much higher.

18 GENERAL COUNSEL THOMPSON: Thank
19 you, Ms. Travis. But the document you have in
20 front of you is from the DC Code.

21 COMMISSIONER TRAVIS: Okay.

22 GENERAL COUNSEL THOMPSON: You were

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1 referring at this point to the District of
2 Columbia Municipal Regulations 31 DCMR. As I
3 said earlier and maybe it wasn't fully
4 grasped, this is actually legislation.
5 Legislation in the D.C. Code that prohibits
6 loitering. And it's a misdemeanor. It's a
7 criminal misdemeanor offense. And what we are
8 proposing to do is to remove the provision
9 that says it's a misdemeanor. And in essence,
10 all that will be left is it will be a civil
11 infraction, not any different from any other
12 fine and penalties that the Commission has.

13 COMMISSIONER TRAVIS: Would you
14 explain that to me when it says that it's a
15 criminal misdemeanor. Would you explain that
16 to me? Versus a civil, just a language of a
17 criminal misdemeanor.

18 GENERAL COUNSEL THOMPSON: Well, a
19 misdemeanor.

20 COMMISSIONER TRAVIS: I know what a
21 misdemeanor is, but a criminal misdemeanor,
22 could you define that?

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1 GENERAL COUNSEL THOMPSON: Well,
2 when you have violations, they're either civil
3 or criminal.

4 COMMISSIONER TRAVIS: Yes.

5 GENERAL COUNSEL THOMPSON: Criminal
6 sanctions can be misdemeanors or felonies.
7 This one, by its definition, is a misdemeanor.

8 COMMISSIONER TRAVIS: All right.
9 Then I'm just, I'm just, I guess I'm just
10 not-- I don't understand why the police would
11 be charging the guys with criminal, as a
12 criminal felony if it's just a criminal
13 misdemeanor if it's in the Code. That's
14 what---I don't understand that.

15 GENERAL COUNSEL THOMPSON: Well,
16 the police came to the last Commission meeting
17 and extensively indicated that they do not
18 arrest anyone for loitering. They do not put
19 people in handcuffs for loitering. That
20 probably what happened---and this is why it's
21 important to get the information from the cab
22 drivers who said they were arrested---that

1 very likely they were stopped for loitering
2 and the police then found that the person
3 either did not have a driver's license,
4 current or valid driver's license, or any of
5 those other requirements that would actually
6 step up that scenario.

7 So we could---we can always wait to
8 get the information from, as you said, this
9 person who is going to bring to you. And this
10 way, we can actually look at what the person
11 was being charged with. And then we can see
12 if there's some other provision that we also
13 need to look at. So we can always just put
14 this off while you provide us with this
15 information.

16 CHAIRMAN SWAIN: Mr. Tapscott?

17 COMMISSIONER TAPSCOTT: Yes, I have
18 no problem with correcting it and I think it
19 needs to be corrected as long as we do it the
20 way it's supposed to. And that's my question,
21 should this go through the full Commission or
22 not? That's my only question. But I am in

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1 favor for changing it.

2 CHAIRMAN SWAIN: I think Mr.
3 Tapscott, this was the most expeditious way of
4 handling this. We could've waited and
5 presented it to the full, I mean presented it
6 to the Panel, but I think after speaking to
7 the other Commissioner they all feel the same
8 way that you feel that we need to address this
9 issue as quickly as possible.

10 Now, if you would like to pass this
11 issue until we take it to the panel, I'm more
12 than willing to do that. But it had been
13 indicated to me by other Commissioners that
14 they would like to see some movement on this
15 as quickly as possible. And this was the most
16 expeditious way to move it.

17 I will bow to whatever you would
18 like to have done, sir.

19 COMMISSIONER TAPSCOTT: I have no
20 problem with that at all. I just don't want
21 us to get into the habit of doing what Title
22 31 says the way it should be done. That's my

1 only question.

2 CHAIRMAN SWAIN: I understand.

3 COMMISSIONER TAPSCOTT: And I
4 understand this one is a little different.

5 CHAIRMAN SWAIN: I understand.

6 COMMISSIONER TAPSCOTT: And I will
7 sanction this one also, at this time, but I
8 just don't want to get away from what we
9 normally do.

10 CHAIRMAN SWAIN: Mr. Tapscott, I
11 wholeheartedly agree. That's not our
12 intention to strip Title 31. But like I said,
13 other interested parties, such as yourself,
14 brought this to our attention and ask that we
15 move on this quickly. And this is the most
16 expeditious matter to relieve the burden upon
17 the taxicab drivers.

18 COMMISSIONER TAPSCOTT: No problem.

19 CHAIRMAN SWAIN: Are we--- anymore
20 questions?

21 GENERAL COUNSEL THOMPSON: Is there
22 a sense of readiness? --

1 COMMISSIONER HEINEMANN: Did the
2 police ever arrest somebody as a misdemeanor
3 for loitering? And what is the Civil
4 Infractions Code say on this? I mean we only
5 have a piece of paper. I don=t know what the
6 Civil Infractions side of this looks like, as
7 opposed to this. Are there two references to
8 this issue in the Code or is this the only
9 one?

10 GENERAL COUNSEL THOMPSON: I think
11 we need to get clear about what we're
12 referring to when we refer to civil
13 infractions. You have 31 DCMR, which is your
14 regulations. As most of you might know, the
15 Code, the legislation, trumps your
16 regulations. What appears in our 31 DCMR is a
17 provision that specifically says loitering is
18 to be enforced pursuant to this statute (the
19 legislation or DC Code). Over the years, the
20 D.C. Taxicab Commission developed a 25 dollar
21 fine for loitering. And when our inspectors
22 go out, that is what they have been issuing

1 the tickets for.

2 COMMISSIONER HEINEMANN: Right. So
3 I guess my question is, if you change this,
4 does that impact the legal authority that
5 issues those infractions. Because you're
6 issuing those civil infractions pursuant to
7 your authority under this, which has it as a
8 misdemeanor. Is that correct?

9 GENERAL COUNSEL THOMPSON: As you
10 will notice, all that is being done is we're
11 just crossing out the misdemeanor language and
12 saying that it is subject to the fine. So
13 it's not impacting our authority to continue
14 to issue the 25 dollar ticket.

15 COMMISSIONER HEINEMANN: But you
16 also said a loitering of public vehicles for
17 hire, cabs, hacks, or vehicles, and that's
18 crossed out. And then you shall be fined.
19 And then you crossed out "deemed guilty of a
20 misdemeanor and punished in the Superior Court
21 of the District of Columbia". And then you
22 also have crossed out, "and the Mayor of the

1 District of Columbia is hereby given the
2 authority to revoke the license of the driver
3 of any public hack or cab who is convicted of
4 a violation of this Section". Now, my
5 question, what does that do to your
6 enforcement ability.

7 GENERAL COUNSEL THOMPSON: No, no
8 --

9 COMMISSIONER HEINEMANN: Even if
10 there is --

11 GENERAL COUNSEL THOMPSON: Mr.
12 Heinemann, I just repeated --

13 COMMISSIONER HEINEMANN: You didn't
14 answer my question.

15 GENERAL COUNSEL THOMPSON: Yes, I
16 did. It does not impact our ability to
17 enforce our 31 DCMR where we have the 25
18 dollar fine. I keep saying the same thing.
19 I'm not sure what it is --

20 COMMISSIONER HEINEMANN: Are you
21 still able to revoke the hack license? I mean
22 that's crossed out here.

1 GENERAL COUNSEL THOMPSON: Mr.
2 Heinemann --

3 COMMISSIONER HEINEMANN: On
4 repeated loitering violations.

5 GENERAL COUNSEL THOMPSON: Mr.
6 Heinemann, what is happening here is it says
7 when it was a misdemeanor, it actually
8 elevated this activity so that by itself it
9 became grounds to take your hack license. In
10 fact, it says it should be punished in the
11 Superior Court of the District of Columbia.
12 So in essence, what we're doing when we reduce
13 it to a civil infraction, we are reducing the
14 requirement that if someone is arrested for a
15 loitering violation you could lose your hack
16 license. Not repeated, just for that one
17 incident. Not repeated, which is what you
18 inserted. Just for that one incident, the way
19 it was written, it could have led to the Mayor
20 issuing regulations that would pull your hack
21 license for that.

22 COMMISSIONER HEINEMANN: Right. I

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1 guess you missed my question. I'm going to
2 ask it again and hopefully I can get a
3 straight answer. Does this, in any way,
4 impede the Commission's ability to suspend or
5 revoke someone's license who has had repeated
6 civil infractions on this point?

7 GENERAL COUNSEL THOMPSON: Let me
8 tell, Mr. Heinemann --

9 COMMISSIONER HEINEMANN: That is a
10 simple question, either yes or no please.

11 GENERAL COUNSEL THOMPSON: Mr.
12 Heinemann, this is actually, I don't
13 understand this behavior. You've changed a
14 question.

15 COMMISSIONER HEINEMANN: That was
16 the question.

17 GENERAL COUNSEL THOMPSON: No, it
18 was not. Read the transcript. You read this
19 and you placed repeated in it.

20 COMMISSIONER HEINEMANN: That was
21 my question. I did not read that.

22 CHAIRMAN SWAIN: I'll tell you

1 what. We're going to go ahead --

2 COMMISSIONER HEINEMANN: I move to
3 table this.

4 CHAIRMAN SWAIN: We're going to
5 table it. I will table this and we'll take it
6 to the Committee and we will do it within the
7 Committee because there seems to be some
8 unreadiness on it.

9 Are there any other vote items that
10 need to be discussed?

11 GENERAL COUNSEL THOMPSON: That's
12 all. Thank you.

13 CHAIRMAN SWAIN: Okay. I can see
14 that the computer that we need has just
15 arrived. If you can give me one second. I'll
16 go get it.

17 GENERAL COUNSEL THOMPSON: Excuse,
18 Mr. Swain. Could you speak that again?

19 CHAIRMAN SWAIN: Yes, ma'am. We
20 have sent out for a computer. The computer
21 had just arrived. The Department of Tax and
22 Revenue needed a computer and I'm about to

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1 pick it up. It=s right here on this side so
2 we can get this presentation started. Excuse
3 me for one second.

4 (Whereupon, the above-entitled
5 matter went off the record at 10:41 a.m. and
6 went back on the record at 10:41 a.m.)

7 CHAIRMAN SWAIN: All right. At
8 this time, we're going to go ahead and get
9 started with the question and answer session
10 so that we can go ahead and address the
11 questions having to do with the new
12 legislation, the emergency legislation that
13 was passed. She is going to set up her
14 computer so we=re going to also have a
15 PowerPoint presentation by the Department of
16 Tax and Revenue. I'm sorry, the Office of Tax
17 and Revenue. And like I said, we do have
18 someone here from the Department of Motor
19 Vehicles that can answer any questions that
20 you would have with regards to the new
21 emergency legislation.

22 COMMISSIONER TAPSCOTT: Mr. Swain?

1 CHAIRMAN SWAIN: Sir?

2 COMMISSIONER TAPSCOTT: Would it be
3 appropriate to introduce the people?

4 CHAIRMAN SWAIN: I'm about to.

5 COMMISSIONER TAPSCOTT: Okay.
6 Thank you.

7 CHAIRMAN SWAIN: That you very
8 much, Mr. Tapscott.

9 PARTICIPANT: Excuse me, sir?

10 CHAIRMAN SWAIN: Yes, sir.

11 PARTICIPANT: Do you have a copy of
12 the agenda?

13 CHAIRMAN SWAIN: Okay. While I get
14 that, let me allow these individuals to
15 introduce themselves, starting from my right.

16 MR. EDMONSON: I'm Kenneth
17 Edmonson, Vehicle Services Administrator for
18 DMV.

19 MR. EDWARDS: My name is James
20 Edwards, Manager of the 95 M Street Department
21 of Motor Vehicle location.

22 GENERAL COUNSEL THOMPSON: Could

1 you move the mike down, I'm sorry. It's got a
2 lot of cord.

3 CHAIRMAN SWAIN: It was James
4 Edwards, Manager of the 95 M Street Department
5 of Motor Vehicle location.

6 MR. VACCA: My name is David Vacca.
7 I am here from the D.C. City Council's
8 Committee on Public Works and the Environment.

9 MS. JONES: Thank you. I'm Angela
10 Jones from the Office of Tax and Revenue,
11 Customer Service Administration. I'm the
12 Operations Manager there.

13 MR. BOWIE: I'm William Bowie. I'm
14 from General Council's Office for the Office
15 of Tax and Revenue.

16 CHAIRMAN SWAIN: Okay. Do you have
17 any questions---how many people have
18 already---some parts of this emergency
19 legislation,---to get your vehicle registered
20 in D.C.? (Transcript error: does not make
21 sense)

22 (No audible response.)

1 Nobody. Do you have any questions
2 on how the legislation personally affects you?

3 Yes, ma'am. There is a microphone
4 right there. If you could move to the
5 microphone and give your name.

6 MS. ROBINSON: My name is Carolyn
7 Robinson. I drive Yellow Cab 800.

8 CHAIRMAN SWAIN: Yes, Ms. Robinson.

9 MS. ROBINSON: And I have a
10 question probably it needs to addressed today
11 that if this was an emergency legislation and
12 part of the parameters of this emergency
13 legislation -- I started I guess a year ago
14 because the minutes from the July 12th
15 meeting, 2006, stated the interim chairman,
16 Causton Toney, was going to notify these
17 different government agencies to get this plan
18 to put this to be a rider, I guess, for this
19 new legislation. If this is a temporary
20 legislation, why were these forms put into
21 effect in the first place?

22 MR. VACCA: Well, in July 2006,

1 this situation did look a little bit
2 differently then. We had a different City
3 Council and the, I believe Causton Toney's
4 preferred approach was to grandfather in
5 individual vehicles so that a driver, if it
6 wants to be one that's retired, could not
7 benefit from being, driving a D.C. cab in
8 their own name. (Transcript Error: does not
9 make sense) We wanted, new council wanted to
10 address that. We felt that drivers should be
11 allowed to upgrade their vehicles but that
12 required us to act, you know, starting just in
13 2007 and act fairly quickly. So we wanted to
14 get an emergency legislation into place so
15 that drivers could continue to register their
16 vehicles and then we can pass a permanent
17 version once we've got all the kinks worked
18 out and it works out to your satisfaction.

19 MS. ROBINSON: So you're saying, so
20 this is in lieu of the permanent?

21 MR. VACCA: This is in advance of
22 the permanent. We need something in place now

1 to make it possible. Otherwise, drivers
2 wouldn't be able to renew their vehicles and
3 they'd be taken off the streets or forced to
4 give up their independence and work for a
5 company. So we want this temporary version in
6 place now so that they can continue going
7 forward. And that will buy us the time we
8 need to review the issue, to work with the
9 Taxi Commission, with the DMV, with OTR, to
10 come up with a permanent version that
11 satisfies everyone.

12 MS. ROBINSON: Okay. Well then
13 maybe this question also should go to Mr.
14 Swain and Ms. Thompson in regards to the, you
15 know, the forms and what we're supposed to do.
16 If this is temporary, then why were there so
17 many taxicab companies put on the street in
18 lieu of this residency requirement that we
19 had. If that's the way they were registering
20 their cars, opening up new companies, then why
21 do we have to go to this?

22 GENERAL COUNSEL THOMPSON: There

1 also, there actually seems to be I think maybe
2 possibly a misunderstanding that all these new
3 companies actually had their vehicles
4 registered in the companies' names. Some did,
5 but some are just the standard companies
6 which, where you have owner/operators who have
7 associated with the companies. So all the
8 companies are not actually.

9 What Ms. Robinson is asking, I'm
10 not sure the focus of the question, when DMV
11 began to enforce the legislation back in March
12 2006 that impacted out of state owners of
13 vehicles, you were still allowed under that
14 scenario, as you may recall, you were
15 grandfathered in terms of people who were out
16 of state but you could not bring on a new
17 vehicle. So if someone was trying to bring on
18 a new vehicle, one option would have been to
19 meet the requirement for in-state. And one
20 in-state requirement would be if you were a
21 company and you were District based and the
22 vehicle would be registered in the company's

1 name.

2 The next part of the question I
3 presume is the perception that all the new
4 companies that came on met that standard,
5 which is not the case. A lot of companies
6 that came on were no more than people moving
7 from other companies but not necessarily
8 putting on a new vehicle. So I don't know if
9 that helps a little bit.

10 MS. ROBINSON: Well, did the
11 companies meet the 25 vehicle requirement?

12 GENERAL COUNSEL THOMPSON: We'll
13 deal with that at a later date.

14 MS. ROBINSON: Well, another thing
15 that I want to ask about, since the DCTC
16 registration form is supposed to be put back
17 over at DCTC, you know, by September. That
18 and also the adjudication service. There=s
19 something else that was transferred from DMV,
20 how you were going to handle that.

21 CHAIRMAN SWAIN: Well, right now we
22 had a meeting with Ms. Lucinda Babers last

1 week. And we'll be meeting with her again on
2 that. That particular portion came back to
3 me, came back to the DCTC, but it came back
4 without any funding whatsoever to do those
5 jobs. So what we're doing right now, we're
6 working with Ms. Babers to try to work out the
7 logistics on how we're going to effect this
8 within our Agency. And that's why we're
9 talking with David from Jim Graham's office,
10 Councilman Graham's office.

11 So we're still in the process of
12 working that out. We realize there is a small
13 period of time that we have to come up with a
14 solution to it. But right now those jobs were
15 given back to the Agency with absolutely no
16 funding and no personnel to do those jobs.

17 MS. ROBINSON: Okay. The D.C.
18 Application, prior to this new legislation or
19 whatever was happening in the past, we had a
20 DCTC registration that was for our vehicles.
21 Now, now that we have this application are you
22 telling us that we, in essence, have to form

1 our own separate businesses? My taxicab was
2 my business with the old DCTC but now I'm
3 going to have a different type? Are you going
4 to treat us like we're vendors? I just want
5 you to have a little clarity with that.

6 GENERAL COUNSEL THOMPSON: I think,
7 in a way, Carolyn, you may be, often what
8 happens is at least if someone picked up the
9 forms at our office, you would see --

10 MS. ROBINSON: I have a copy of the
11 form.

12 GENERAL COUNSEL THOMPSON: Yes.
13 You would see there is a DCTC application on
14 the front and attached to it are OTR forms.

15 MS. ROBINSON: Yes.

16 GENERAL COUNSEL THOMPSON: The DCTC
17 application and I suspect, I'm also at this
18 point speaking for DMV since they are, in
19 essence, carrying out our responsibilities for
20 us right now in terms of the DCTC's, as you,
21 as you pointed out. There was legislation at
22 the end of 2006 that transferred the issuance

1 of the DCTC's back to the Taxicab Commission.

2 MS. ROBINSON: Correct.

3 GENERAL COUNSEL THOMPSON: The
4 DCTCs do not require you, do not place any
5 burden on you as to whether you are a
6 business. The Office of Tax and Revenue is
7 not saying you also have to be a business.
8 They are, in essence, saying you need to
9 register with them if you are doing business.
10 And I guess that's the issue. If you're doing
11 business in the District of Columbia, you have
12 to register with them. What the emergency
13 legislation has done, in essence, is that
14 legislation has laid out a process. So there
15 isn't some new requirement in place, in terms
16 of the DCTCs. I don't know if that's helpful
17 for you.

18 MS. ROBINSON: Yes, well originally
19 we had the cards. And then when it went over
20 to DMV, they just started issuing numbers on
21 our registration forms. We didn't, in
22 essence, have a license. This is where the

1 whole dilemma really started, our
2 registration. We were just issued a DCTC
3 number on our registration cards for our
4 vehicles. So it's really caused problems.

5 GENERAL COUNSEL THOMPSON: That
6 hasn't, that hasn't changed. And I guess --

7 MS. ROBINSON: Will this new
8 license give us a license in essence that we
9 will be able to carry around in our vehicles,
10 or is it just going to be the same issuance of
11 a number?

12 GENERAL COUNSEL THOMPSON: It's the
13 same issuance. And actually DMV can speak to
14 it. There has been some concern I know, even
15 our hack inspectors have raised this issue and
16 this was part of the discussion that we had
17 with Lucinda and her staff that, in essence,
18 we may have to start looking at something that
19 represents the DCTC, something more than what
20 we currently, than what DMV issues now.

21 But there is no change. This
22 legislation isn't changing anything that you

1 were doing before June, the bill, when did it
2 go in effect, June 13th, 12th.

3 MS. ROBINSON: I kind of beg to
4 differ with you if we have to fill out this
5 form.

6 GENERAL COUNSEL THOMPSON: The tax
7 form, yes. That's why I'm trying to draw a
8 distinction between your filling out the 500
9 and the 500-T and the DCTC application. It's
10 just, in essence, we had to come up with a
11 form so that we could recognize those persons
12 who now qualify to now bring on new vehicles.

13 MS. ROBINSON: Well, unfortunately,
14 all those forms are attached together. So it
15 appears to me that it's a package. So that's
16 one of the requirements to complete the
17 package.

18 GENERAL COUNSEL THOMPSON: Well, it
19 is a package. But the DCTC, what you would've
20 gone through, because I presume you had a car
21 registered.

22 MS. ROBINSON: I've been driving a

1 taxicab 32 years. Absolutely.

2 GENERAL COUNSEL THOMPSON: No, I'm
3 actually saying, I'm actually going through
4 the requirements in the regulation, in the
5 legislation. You had a hack license as of
6 March 1st, 2006. You have a current, valid
7 hack license. You had a vehicle registered
8 with DMV, as of March 1, 2006. The form is
9 just trying to ensure that we are checking off
10 all those persons now who qualify under the
11 emergency legislation.

12 MS. ROBINSON: All right. Thank
13 you.

14 CHAIRMAN SWAIN: Sure.

15 Mr. Tapscott?

16 COMMISSIONER TAPSCOTT: I have a
17 question. How is this going to effect, are we
18 going to be putting cabs on the streets of
19 D.C. with Maryland or Virginia plates?

20 CHAIRMAN SWAIN: Mr. Tapscott, what
21 I'm going to do right now is I'm going to go
22 to the Office of Tax and Revenue to do their

1 presentation and then I'm going to allow DMV
2 to go ahead and do a follow-up, and then I
3 think through those two things we'll get an
4 answer to that question, sir.

5 COMMISSIONER TAPSCOTT: Okay,
6 great.

7 CHAIRMAN SWAIN: Are you ready to
8 do your presentation, ma'am?

9 MS. JONES: Yes, we are.

10 CHAIRMAN SWAIN: Can everybody see
11 or do you need us to move out of the way? I
12 don't know if we're blocking you in some way.

13 MS. JONES: I'm going to try --

14 GENERAL COUNSEL THOMPSON: I can't
15 hear that.

16 CHAIRMAN SWAIN: Thank you.

17 MS. JONES: Good morning. Once
18 again, my name is Angela Jones. And I'm here
19 today to try to clear up some information
20 relative to filling out the FR-500-T and the
21 FR-500 business tax registration form of the
22 Office of Tax and Revenue.

1 I have paper copies of the
2 PowerPoint presentation, but the PowerPoint
3 presentation is set up to walk you through
4 several scenarios that may actually impact
5 where you are in your daily lives as taxicab
6 owners, or taxicab drivers, or individuals
7 that actually lease the vehicle from someone
8 outside the District of Columbia.

9 So I am going to go through the
10 slides and then we'll take any questions that
11 you may have relative to the process, if
12 that=s okay.

13 The Combined Business Tax
14 Registration Application, which is the FR-500
15 is to be completed by all taxicab or limousine
16 drivers who operate in the District of
17 Columbia in addition to the taxicab and
18 limousine supplemental information form, which
19 is the FR-500-T, which must be completed and
20 submitted with the FR-500.

21 The most common scenarios that
22 should impact your situation is one, the

1 vehicle is owned and operated by a D.C.
2 resident. Two, the vehicle is owned and
3 operated by a non-D.C. resident. Three, the
4 vehicle is owned by non-D.C. resident and
5 leased by a D.C. resident. Four, the vehicle
6 is owned by a non-D.C. resident and leased to
7 a non-D.C. resident. The vehicle is owned by
8 a D.C. resident or business and leased to a
9 non-D.C. resident. The vehicle may be owned
10 and operated by two or more individuals that
11 gross less than 12,000 dollars per year. The
12 vehicle may be owned and operated by two or
13 more individuals that gross more than 12,000
14 dollars in income. And the vehicle is owned
15 by the D.C. business but the driver is an
16 employee and a resident of the District of
17 Columbia. The vehicle could be owned by a
18 D.C. business and the driver is an employee
19 and a non-resident of the District of
20 Columbia. And the vehicle could be owned by a
21 non-D.C. business doing business in the
22 District with a D.C. resident.

1 Okay. Now, if I am a District of
2 Columbia resident and I own the vehicle that I
3 utilize for these services, I must file a Form
4 D-30, which is the Unincorporated Business
5 Franchise Tax Return and the Form D-40, which
6 is your individual income tax return. If my
7 gross income is less than 12,000, there will
8 be no tax owed on the form D-30, the
9 Unincorporated Individual Franchise tax
10 return.

11 If I'm a non-resident of the
12 District of Columbia but I own and operate a
13 taxicab or limousine in the District of
14 Columbia, I must submit a form D-30, the
15 Unincorporated Business Franchise tax return
16 with the District. And then I must file my
17 individual income tax return to the state that
18 I'm a resident. So if I live in Maryland or
19 Virginia, that's where I would actually file
20 my individual tax return. Once again, if it's
21 less than \$12,000 then no money is owed.

22 Leased vehicles, if I lease my

1 vehicle and I'm a non-D.C. resident, let me,
2 okay. If I'm a non-D.C. resident and I own my
3 vehicle but I lease it to a D.C.-resident, as
4 a driver of the leased vehicle, they must
5 complete a form D-30, the Unincorporated
6 Franchise Business Tax Return, and they also
7 must file the D-40. As the owner who is
8 actually leasing the vehicle but does not
9 reside in the District of Columbia, they too
10 must file a D-30 and then register with the
11 business that they actually reside in, as well
12 as file their income tax returns with that
13 state.

14 If a non-D.C. resident, if I'm a
15 non-D.C. resident and I own my vehicle but I
16 lease my vehicle to a D.C. resident, as a
17 driver once again, I must file a D-30,
18 Unincorporated Business Franchise Tax Return
19 and I also must file the individual income tax
20 return with the state of residency, state
21 where I actually reside.

22 Now, if I'm the owner who is

1 actually leasing the vehicle to a non-D.C.
2 resident, I must file a tax return in the
3 jurisdiction and the business that I'm
4 actually registered. So if my business is
5 actually located in Maryland, then that's
6 where I would be registered and that's also
7 where I would be filing my tax returns.

8 If I'm a D.C. resident or D.C.
9 business and I own the vehicle and I lease it
10 to a non-D.C. resident, as the owner I must
11 file a D-30 Unincorporated Business Tax Return
12 with the District and a D-40, individual tax
13 return with the District. As the driver, I
14 must file a D-30, Unincorporated Business
15 Franchise Tax Return with the District and
16 file an individual income tax return with the
17 state of residency. If it's outside of D.C.,
18 then it's wherever it is.

19 Now, if the vehicle is owned and
20 operated by two or more individuals that gross
21 less than 12,000 dollars in income, they must
22 submit a partnership return by filing a form

1 D-65 with the District of Columbia.

2 If they are D.C. resident partners,
3 they must also complete an individual income
4 tax return, which is the form D-40.

5 Non-D.C. residents must file their
6 individual income taxes with the state that
7 they reside.

8 If the vehicle is owned by two or
9 more individuals that gross more than 12,000
10 in income, then that partnership must file a
11 D-30, Unincorporated Business Franchise Tax
12 Return, instead of the D-65. And then they
13 must also submit the individual D-40s for
14 individual income taxes to the District of
15 Columbia.

16 If they are non-D.C. residents,
17 then they would submit the individual income
18 tax returns with the state in which they
19 reside.

20 Vehicles that are owned by a D.C.
21 business and the driver is actually an
22 employee who resides in the District of

1 Columbia, the driver must file an individual
2 income tax return with the District of
3 Columbia. The owner of the company must file
4 a D-20, which is your Corporate Franchise Tax
5 Return, or a D-30, the Unincorporated Business
6 Franchise Tax Return with the District of
7 Columbia. They must also submit to the
8 District of Columbia, FR-900M or FR-900A,
9 employer withholding tax returns for that
10 employee that's a resident of the District of
11 Columbia. And then at the end of the year
12 they must do a reconciliation on that
13 employees' withholding, which is the FR-900B.

14 So on this slide that you're
15 looking at, four should be three and three
16 should be four because it's backwards. You
17 file the actual withholding tax returns
18 throughout the year. It's at the end of the
19 year and the beginning of the next year that
20 you do the reconciliation. And they just have
21 the slide backwards. But the bottom line is,
22 if you're an owner, you have employees, then

1 you should be filing withholding taxes for
2 that employee.

3 If the vehicle is owned by a D.C.
4 business and the driver is a non-D.C. employee
5 or non-D.C. resident, then the employee must
6 file individual income tax returns with their
7 state of residence. The owner of the company
8 must file a D-20, a Corporate Franchise Tax
9 Return, or D-30, Unincorporated Business
10 Franchise Tax Return with the District.

11 The owner of the company, once
12 again -- this is wrong. If the vehicle is
13 owned by a D.C. business and the driver is a
14 non-D.C. resident employee, the owner of the
15 company would not be submitting withholding
16 taxes for that individual to the District of
17 Columbia. There would be submitted into the
18 state that that actual individual resides, and
19 it wouldn't be D.C. So there would not be an
20 FR-900M. It would be whatever that state has
21 an employee withholding tax return. So number
22 three is incorrect and so is number four.

1 Vehicles owned by non-D.C.
2 businesses doing business in the District with
3 employees. One, the business must file a D-
4 20, reporting business income from D.C.
5 operations, using the proportionate factor on
6 the return. Two, the employee must file
7 individual income tax returns in the state of
8 their residence. Three, the owner of the
9 company must file a D-20, Corporate Franchise
10 Tax Return or a D-30, Unincorporated Business
11 Franchise Tax Return with the District of
12 Columbia. And then once again, the
13 withholding comes into play. They must submit
14 the employee withholding for that D.C.
15 individual that=s their employee who resides
16 in the District of Columbia. They can file it
17 monthly. They can do semi-annual and then
18 they must reconcile at the end of the year
19 filing an FR-900B. And the W-2s for that
20 employee get issued at the end of the year
21 with the reconciliation return.

22 As far as obtaining copies of tax

1 forms, of course you can get them from the
2 Office of Tax and Revenue. And the handout
3 that I'll give you in the package actually has
4 our address, as well as our online website.
5 You can get the actual forms off the website.

6 And the package that you have will
7 also have my name and telephone number, as
8 well as Mr. Bowie's telephone number, title,
9 and Ms. Boyd who's up in the projection area
10 handling the PowerPoint slides for me.

11 So, I know that's a lot of
12 information and a lot of difference scenarios.
13 And I'm open for questions.

14 CHAIRMAN SWAIN: Excuse me. Excuse
15 me, sir. Would you go to the mike and
16 identify yourself. This is being transcribed
17 please.

18 Anyone who has a question, please
19 go to the mike so we can have it on mike.

20 MR. HARMOND: I'm Peter Harmond and
21 I drive Diamond 226. My first question is
22 could you go back over, is an owner/operator

1 who does not live in the District and has no
2 employees, self-employed, you know, what forms
3 do I have to consider? And also, from what I
4 understand you just said, I have to report my
5 gross income before my expenses on my taxicab,
6 not my gross income as I report from Schedule
7 C before, as an income tax reduction?

8 MS. JONES: Correct. As an
9 owner/operator with no employees who operates
10 in the District of Columbia and reside in the
11 District of Columbia, they are responsible for
12 the D-30, Unincorporated Franchise Business
13 Tax Return. And if your gross income is less
14 than 12,000 dollars, which is before expenses,
15 then you would not owe any taxes on your money
16 on the business side.

17 Now, if it's greater than 12,000
18 dollars of course, you would have to figure
19 out what you would actually owe in taxes. And
20 then you would also be responsible for the
21 individual income tax return.

22 Now, remember, when you do your

1 taxes, there's a provision for your business
2 expenses. So we're not going to double tax
3 you on the same monies.

4 MR. HARMOND: Wait, what you just
5 -- I don't live in the District. I live in
6 Maryland.

7 MS. JONES: You live outside of the
8 District of Columbia.

9 MR. HARMOND: Right, so what do I
10 have to --

11 MS. JONES: You live outside of the
12 District of Columbia and you do not have any
13 employees, then you would have to do the D-30
14 only and submit your individual income tax
15 return to the state which you reside.

16 MR. HARMOND: Now, you said I'm not
17 taxed on my expenses but you said I have to
18 report it if it's over 12,000 dollars?

19 MS. JONES: You would have to
20 report, you would report your gross income,
21 your gross earnings if they're over 12,000
22 dollars, yes. And then there's a form in

1 there to come to exactly how much tax you
2 would actually owe the District of Columbia on
3 that money.

4 MR. HARMOND: But I would be able
5 to deduct my business expenses before I had to
6 pay that tax, correct?

7 MS. JONES: Yes.

8 MR. HARMOND: I'm not taxed on --

9 MS. JONES: Oh, no. It's working,
10 you have to work through the return. You
11 know, you would have to work through the
12 return. And there is a place on the return in
13 which you would allow for your expenses.

14 MR. HARMOND: So I would basically
15 pay taxes on my net income from schedule C
16 that I pay to the feds, right? In other
17 words, when I do my taxes I do a schedule C
18 first, take all my expenses, I have a net
19 business tax. That's what I would essentially
20 be paying taxes on in the District?

21 MS. JONES: Okay, but when you,
22 when you actually do your federal income tax

1 return, you don't take in your entire earnings
2 for the year and then do your schedule C and
3 subtract for expenses for which you've earned?

4 MR. HARMOND: Yes, that=s basically
5 it.

6 MS. JONES: Okay. Well, it's the
7 same principle here.

8 MR. HARMOND: Yes, but I would
9 still have to report my total gross income
10 before expenses?

11 MR. BOWIE: Right. I mean the
12 gross income and the 12,000 dollar threshold
13 is just a starting point for having to file a
14 return.

15 MR. HARMOND: Right. So in other
16 words, my gross income is 25, 24,000 dollars
17 and I have 12,005 dollars in --

18 MR. BOWIE: That just means that
19 you --

20 MR. HARMOND: I'd pay taxes on five
21 dollars?

22 MR. BOWIE: Right. And if you earn

1 25,000 and let's just say that you're required
2 to file a D-30 return.

3 MR. HARMOND: On gross income.

4 MR. BOWIE: Right.

5 MR. HARMOND: Okay. And my other
6 question is when does this emergency -- this
7 is a little different. When does this
8 emergency legislation expire and are they
9 planning to have permanent legislation in
10 place back then? I need to register a new
11 cab. I don't live in the District.

12 MR. BOWIE: The, well we have both
13 the emergency and temporary. The temporary
14 will last longer than the emergency. That
15 will expire this fall. We definitely plan on
16 permanent legislation in place. The only
17 reason we haven't done so yet is we want to
18 see how the process is working so far, what
19 does work, what doesn't, and we can fix what
20 doesn't work before we make it permanent.

21 MR. HARMOND: What exact, what
22 exact date is the temporary legislation

1 expire?

2 MR. BOWIE: Do you have it?

3 MR. HARMOND: And does the
4 Department of Motor Vehicles have, do I need
5 to have proof that I owned the car as of March
6 1st, 2006?

7 MR. JAMES EDWARDS: What was your
8 question?

9 MR. HARMOND: What, do I need to
10 provide any additional proof other than what
11 the Department of Motor Vehicles has as its
12 records that I owned the taxicab until March
13 1st, 2006?

14 MR. JAMES EDWARDS: We would have a
15 record of that.

16 MR. BOWIE: And I'm advised by OTR
17 that you have to file by September 28, 2007 to
18 get in under the emergency.

19 MR. HARMOND: Okay. Thank you.

20 MR. BILLY RAY EDWARDS: My name is
21 Billy Ray Edwards and, you know, I'm deeply
22 concerned about two issues really. Is,

1 especially the DCTC that was taken away from
2 us as drivers, which was our legal license to
3 operate a public vehicle for hire. That's the
4 case that's still in court that has not been
5 addressed yet to my knowledge. And it seems
6 to me that what legal standing, you know, do
7 the District government have to impose such a
8 thing on a business that's operating in the
9 District of Columbia. Because it seems to me
10 under the Home Rule Charter the District of
11 Columbia just lost a major case, you know, in
12 terms of dealing with taxes being charged to
13 out of state business owners here in the
14 District of Columbia.

15 MR. BOWIE: Actually, we won the
16 case on appeal.

17 MR. EDWARDS: Well, I'm only
18 quoting from fact that I know about the Home
19 Rule Charter. You know, I don't know how it
20 was won or anything like that.

21 But the problem is going to be, you
22 know, if major corporations take over this

1 industry, which is destined to happen, you
2 know, underneath the tightrope legislation or
3 tax structure that I see presented here, it's
4 an open, an open avenue for major corporations
5 to move in and take over this industry from
6 independent owner/operators, which a lot of
7 independent owner/operators has been used to
8 paying a fee for our public vehicle license to
9 hire to the District of Columbia.

10 And for the life of me, I cannot
11 see how you can charge, you know, taxes, you
12 know, when we were charged a fee. And the
13 question is, for instance, if I own a taxicab
14 company and I own four or five hundred
15 taxicabs that I am leasing out, what would the
16 fee be for a license to operate as a company
17 and what would the fee be to operate as an
18 independent owner/operator. If the company
19 has to pay the same fee as I do as an
20 individual, I mean it=s going to force all of
21 us out of business because a company would be
22 able to control the industry by monopolizing

1 the taxicab industry and buying cars, and
2 putting them on the street, and leasing them
3 out.

4 So my point is that, you know, I
5 think that, you know, this tax thing that you
6 all are coming out with, this system or
7 program that you've developed at this point is
8 going to open up a can of worms that is going
9 to cause the District more problems than it is
10 going to resolve, especially when we are
11 required basically, as I said before, under
12 the old DCTC, we paid a fee to the District of
13 Columbia in order to operate our business.
14 Now, how are you going to, is it going to be
15 double jeopardy? Are we going to be charged a
16 fee to own a DCTC in order to operate our
17 business in the District of Columbia?

18 MR. EDMONSON: You'll continue to
19 purchase a DCTC through the DMV at this point
20 until there is some modification as to whether
21 it's going to be transferred to the DCTC to
22 manage that process. But currently you do pay

1 for a DCTC when you register with the DMV.

2 MR. EDWARDS: But my understanding
3 from what Carolyn said is that, you know, the
4 DCTC is going to be put back into the Taxicab
5 Commission.

6 MR. EDMONSON: There's a thought
7 process about that but it has not been worked
8 out. But as --

9 MR. EDWARDS: But I mean under the,
10 under the, under the DC Taxicab Commission's
11 Charter, it shouldn't have ever been taken out
12 in the first place. I mean but that's a long
13 story. But you know, we are running into a
14 hassle here in trying to figure out, you know,
15 are we going to be double penalized? We going
16 to pay a business tax, you know, to operate
17 the vehicle, which is the DCTC, which this is
18 considered a business tax. Or, then we going
19 to be turned around and charged individual
20 taxes, you know, of anything over 12,000 a
21 year. That seems like a case of double
22 jeopardy to me. I mean there's something

1 drastically wrong with the train of thought of
2 the District government if they're going to
3 charge a tax and an individual tax. They're
4 going to charge me a tax for the DCTC and
5 they're going to charge me a tax to operate my
6 business, an assessment to operate my
7 business. And that don't make sense to me.
8 And, you know, I would like to have a copy of
9 the case study or the case that you had where
10 you said to me that under the 1972 Home Rule
11 Charter where these people took you to part, I
12 would like to see that decision.

13 MR. BOWIE: It's, the decision is
14 on our website. If you go to www.cfo.dc.gov,
15 the case decision and the ruling is on the
16 website.

17 MR. EDWARDS: That was a pretty
18 fast one.

19 MR. BOWIE: Our website is www.cfo,
20 Charlie, Frank, Oscar, .dc.gov.

21 MR. EDWARDS: CRO?

22 MR. BOWIE: Dot D C.

1 MR. EDWARDS: Dot D C.

2 MR. BOWIE: Dot gov. And we did a
3 press release on the appealed decision that we
4 won.

5 MR. EDWARDS: www.cfodc.gov.

6 MR. BOWIE: No, www.cfo.dc.gov.

7 MR. EDWARDS: All right.

8 MR. SINGH: My name is Harvey
9 SingH. I drive many years on 363. Since I
10 live in Maryland, I have no idea what a form
11 D-30 is. Can you just go over it and tell us
12 is that a revenue based tax or what kind of
13 tax is it?

14 MR. BOWIE: I mean the D-30 is your
15 basic, at its base, the D-30 return if you're
16 not, it's dependent on how you're set up. If
17 you're not setup as a corporation, which is
18 the D-20 return, if you're not set up as a
19 corporation, then your business is going to be
20 probably setup, is setup as an incorporated
21 business, which is the D-30 return, which you
22 have to file. And as we told you earlier,

1 when the other gentleman asked, that the tax
2 is computed based on your gross income that
3 you've earned that's over 12,000 dollars.

4 MR. SINGH: So it will be taxed
5 twice, once to my home state and once to D.C.
6 then?

7 MR. BOWIE: Well, your business
8 income that is earned in the District is being
9 taxed here. Any income, I guess, whatever
10 you're filing for your income tax in the state
11 in which you live you have to pay tax on that,
12 yes.

13 MR. SINGH: Do you have any idea
14 what percentage of tax is it? Is it
15 comparable to the state tax that we already
16 pay in our home states?

17 MR. BOWIE: I have no idea.

18 MR. SINGH: Okay. Thank you.

19 MR. PHIL LEBET: I'm Phil Lebet.
20 I'm from Diamond. I have a couple of
21 questions. I'm a District resident. I own
22 and operate my vehicle. I'm not going to do

1 anything different than what I've been doing
2 for the past few years. Is that correct?

3 MR. BOWIE: Yes. Well, that's
4 correct to the degree if you've been filing a
5 D-30 return, then you're doing nothing. And
6 you're filing your D-40 Income Tax Return,
7 then no, you're not doing anything different
8 than you've done before.

9 MR. LEBET: Yes, that's exactly
10 what I'm doing.

11 MR. BOWIE: Right.

12 MS. JONES: Then that's, you've got
13 it.

14 MR. LEBET: Pardon me?

15 MS. JONES: That's it.

16 MR. LEBET: The next question, I
17 didn't see anything here about an incorporated
18 business renting vehicles both to District and
19 non-District residents. What would they do?

20 MS. JONES: Outside of D.C. and
21 within D.C. --

22 MR. LEBET: It's an incorporated

1 business that rents both to D.C. and non-
2 District residents. It has several vehicles.

3 MR. BOWIE: If it's a corporation,
4 then you're filing the D-20 return. If the
5 business is set up as a corporate structure,
6 then you're filing a D-20 return.

7 MS. JONES: And then the
8 individuals outside the District that they're
9 actually leasing vehicles to, they would just
10 have to separate the income, what was earned
11 in the District of Columbia and what was
12 earned in that other state.

13 MR. LEBET: All right. So it's
14 basically the same forms that the
15 unincorporated business would file except it
16 files D-20 instead of D-30.

17 MR. BOWIE: Right.

18 MS. JONES: Because they're a
19 corporation, yes.

20 MR. LEBET: And the drivers do the
21 same as they would for the unincorporated
22 business renting the vehicles?

1 MR. BOWIE: Correct.

2 MS. JONES: Correct.

3 MR. LEBET: All right. These
4 questions are for the people of the registry
5 of motor vehicles.

6 My registration came up in June. I
7 was down there. I mean, other than it took
8 too long, I really didn't have any problem. I
9 live in the city. They gave me my
10 registration. But there were several drivers
11 who went down there trying to change their
12 equipment who did not live in the District and
13 they were told that they could not do that.
14 Is that still going on or are they being
15 allowed, the non-residents being allowed to
16 upgrade their equipment now?

17 MR. EDWARDS: Well, there are a few
18 things that a non-resident---a few things that
19 we look for with a non-resident. They have to
20 have had a taxi license on or before March
21 1st, 2006. They had to have a vehicle
22 registered in D.C. on or before March 1st,

1 2006, excuse me, 2006. And they have to
2 currently have a vehicle registered in the
3 District of Columbia. And if they meet those
4 qualifications then they can, you know,
5 transfer a tag to a new vehicle that they got
6 or, you know, there wouldn't be a problem
7 doing that. I don't know if that answers your
8 question?

9 MR. LEBET: Well, what happened was
10 that they told the non-residents who met the
11 requirements that you said that they would not
12 let them upgrade their equipment. They had
13 the DCTC. They had the vehicle registered.
14 They had a vehicle registered currently and
15 they just wanted to change their equipment.
16 And they were told no, they could not do that.

17 MR. EDWARDS: That's not the case.
18 If someone was told that and they met all the
19 requirements that I just went over, they
20 should be able to change equipment.

21 MR. LEBET: All right. The next
22 question. It has happened more than once that

1 the individual's records and the city's
2 records do not agree. If you had an
3 individual come forward who did meet the
4 requirements, but according to your records he
5 did not, in order to dispute that, what would
6 you require him to present?

7 MR. EDWARDS: I don't know what
8 specifically they would need to present. But
9 I mean I would say if they made a compelling
10 case that they met the requirements but for
11 some reason it didn't show in our system, I
12 mean that's what one of the things I'm there
13 for is to sit down with those people and go
14 over those things on sort of a case-by-case
15 basis and, you know, we would try and make it
16 work out for them.

17 MR. LEBET: What would you ask them
18 to present? Say an old DCTC card, an old
19 registration, a motor vehicle title, what?

20 MR. EDMONSON: Let me give you an
21 example and Jamie is making a good effort to
22 say that he would sit with the individual to

1 try to identify what they might have. We had
2 an individual who came in maybe a month ago.
3 He had a registration card from >06. He had
4 not had a car operating in the District for
5 the past eight months but he was able to
6 provide us an old registration card. We
7 accepted that and he got his registration. So
8 that's one particular example I could think of
9 off hand.

10 MR. LEBET: Insurance receipt,
11 would that be acceptable?

12 MR. EDMONSON: Anything that would
13 give us supportive documentation that this
14 person, in effect, did have a valid
15 registration as of March 1st, 2006.

16 MR. LEBET: Thank you.

17 GENERAL COUNSEL THOMPSON: Phil,
18 now as to the hack licenses, because remember
19 part of the requirement for getting the DCTC,
20 the out of state under the emergency
21 legislation is that you had to have had a hack
22 license as of March 1st, 2006, and that you

1 have a valid hack license when you go down
2 there to do that application. What we've done
3 is we've pretty much tried to reduce
4 applicants having to go to two locations. So
5 we have tried to get our information, because
6 that would've been over at our agency, and
7 we've gotten it to DMV so there is something
8 to check. And obviously if there are any
9 disputes, we would certainly be the ones who
10 can help anyone who has any issues on that.

11 MR. LEBET: Thank you.

12 MR. LUCAS: My name is William
13 Lucas and I own and drive Yellow Cab 501. And
14 my question is 12,000 dollars, this is the
15 base figure for the D-20?

16 MS. JONES: D-30.

17 MR. LUCAS: I mean the D-30.

18 MS. JONES: Yes.

19 MR. LUCAS: Okay. Let's say you
20 know you don't owe any tax but you still have
21 to file the D-30?

22 MS. JONES: Yes.

1 MR. LUCAS: What does it, is that
2 100 dollars just to file it?

3 MS. JONES: It's free to register.
4 It's actually a business registration.

5 MR. LUCAS: No, it's not either.

6 MS. JONES: Yes, well, the FR-500
7 process leads to --

8 MR. LUCAS: I'm not talking about
9 the 500. I'm talking about the D-30.

10 MS. JONES: Yes, but the FR --

11 MR. LUCAS: Because I've been
12 paying 100 dollars just to file it.

13 MS. JONES: You've been --

14 MR. LUCAS: I've been filing this
15 form -- yes, the 30, the D-30.

16 MR. BOWIE: What you're saying, the
17 minimum amount, the least amount of tax that
18 you can pay under the D-30 is 100 dollars.
19 That's correct.

20 MR. LUCAS: Right.

21 MS. JONES: That's the least.

22 MR. LUCAS: And it must be because

1 this is what I've been sending in.

2 MR. BOWIE: Right. So what -- I
3 didn't.

4 MS. JONES: So what, I'm sorry,
5 what's your question?

6 MR. BOWIE: Yes, what's your
7 question?

8 MR. LUCAS: Well, I'm saying you're
9 not telling people that if they don't make
10 that 12,000 dollars, they still have to file
11 that and pay that 100 dollars along with it.

12 MS. JONES: That=s the D-20, isn't
13 it?

14 MR. BOWIE: No, that's the D-30.

15 MR. LUCAS: The D-30.

16 MR. BOWIE: The D-30.

17 MS. JONES: I'm sorry, sir. That's
18 the D-20.

19 MR. LUCAS: I'm an individual
20 owner/operator.

21 MS. JONES: Okay. But the D-30,
22 sir, if you, if your gross income is less than

1 12,000, the tax is zero. There is no fee.
2 The D-20, which is the Corporate Franchise Tax
3 Return definitely has a 100 dollar limit.
4 It's always 100 dollars at least. That's the
5 D-20, not the D-30. That's the Corporate
6 Franchise Tax Return, not the Unincorporated
7 Franchise Tax Return.

8 MR. LUCAS: But anyway, so much
9 with that, the other thing is that the FR-500
10 and the 500-T, and the application for the
11 DCTC, I thought the DCTC was my license, was
12 my business license? So why should I have to
13 fill out another application for the business
14 license if I already have it?

15 MR. BOWIE: I mean your DCTC
16 license is a separate issue as opposed to your
17 right to do business here in the District.
18 That's what your, when you're registering with
19 us and paying the 100 dollars, that's your
20 right to do business like anybody else that
21 does business here in the District. That's
22 what your filing the D-30 or the D-20 return

1 for.

2 MR. LUCAS: Yes, I did, but that
3 isn't what I asked. The question is why
4 should I have to fill out another application
5 for a DCTC when I already have it?

6 GENERAL COUNSEL THOMPSON: Mr.
7 Lucas, I'm not sure, you know, we at the D.C.
8 Taxicab Commission, we also have business
9 licenses that companies fill out. And that's,
10 I think it's about \$350 or I don't have the
11 form in front of me for the amount. So
12 there's a separate business license. The DCTC
13 is the authorization to operate that vehicle
14 as a public vehicle for hire, the vehicle
15 itself.

16 MR. LUCAS: Well, as an owner of a
17 taxicab, individual owner, that DCTC, isn't
18 that my business license to operate?

19 GENERAL COUNSEL THOMPSON: It's a
20 license to operate that vehicle. I mean you
21 can refer to it as, you're referring to it as
22 a business license, but we actually have a

1 separate license that applies to businesses.

2 MR. LUCAS: But if I didn't have
3 it, I couldn't do it.

4 GENERAL COUNSEL THOMPSON: No, it's
5 an authorization. It's a license to operate
6 that vehicle as a public vehicle for hire.
7 But it's, I'm trying to caution against the
8 use of these terms because some of them
9 business -- for example, if you were, if you
10 are a company that is also leasing vehicles
11 and you actually have a separate business
12 license.

13 MR. LUCAS: I understand that.

14 GENERAL COUNSEL THOMPSON: Okay.
15 And there also could be scenarios where you
16 could have another form of a business license
17 issued by, let's say DCRA. But yes, it is an
18 authorization for you to be in the, to operate
19 that vehicle as a public vehicle for hire.

20 I don't know if your concern about
21 the use of the vehicle as a, you know, that
22 it's an authorization for you to conduct

1 business a public vehicle for hire. Yes,
2 that's accurate.

3 MR. LUCAS: Okay. One other
4 question. Okay. I see you say every driver
5 must fill out an FR-500, right? If he's a
6 driver.

7 GENERAL COUNSEL THOMPSON: It's
8 really, the FR-500, and OTR can certainly
9 correct me if I'm wrong on this, it's really
10 trying to capture the income that you've
11 earned in the District. You could have a
12 scenario --

13 MR. LUCAS: Well, what I'm asking
14 is this, if, whether a guy owns a cab or not,
15 if he gets an I.D. card, now --

16 GENERAL COUNSEL THOMPSON: That's
17 exactly what, you're getting at the point that
18 I'm getting at.

19 MR. LUCAS: Right, if you issue him
20 an I.D. card, then he needs to go down there
21 and fill out an FR-500? That's what you just,
22 what I read on the screen.

1 GENERAL COUNSEL THOMPSON: Right.
2 And let me help you just a little bit. You
3 could have a situation, for example, it
4 doesn't happen as much in the taxicab business
5 but it certainly happens in the limo business
6 where you have the I.D. card and you are
7 employed by the limo company and you're just
8 an employee. What you would not, to my
9 understanding, be down there filling out, that
10 employee wouldn't be filling out the 500-T.

11 MR. LUCAS: Well, then what I read
12 on the screen is wrong then.

13 GENERAL COUNSEL THOMPSON: There
14 was quite a bit on the screen.

15 MR. LUCAS: But it said all
16 drivers, taxicab drivers and limos, must fill
17 out the FR-500.

18 GENERAL COUNSEL THOMPSON: I
19 actually pointed that out to OTR that on their
20 instructions it actually says something very
21 close to what you said or maybe identical
22 language.

1 MR. LUCAS: Yes, what it's saying
2 is if you got an I.D. card, whether you're
3 going to drive a cab or a limo, you must fill
4 out that FR-500.

5 GENERAL COUNSEL THOMPSON: The
6 scenario that it's not trying---the 500 and
7 the 500-T is not trying to get the person who
8 is the employee of a company, because the
9 company would have already been reporting that
10 [income earned], and the person [employee]
11 would be filing income tax. It says, you
12 know, it says --

13 MR. LUCAS: Well, I think this is
14 the purpose of doing it to make sure that that
15 person pays some taxes on that income that he
16 is going to earn.

17 GENERAL COUNSEL THOMPSON: Well,
18 the scenario is the person who say, who comes
19 and gets a hack license but he's leasing a
20 vehicle. That person then is, he has his own
21 business.

22 MR. LUCAS: Okay. I think these

1 people can answer my question since they from
2 the Tax and Revenue people. On the screen you
3 had that every driver must do that FR-500. If
4 he drives anything, whatever money he makes,
5 whether from being employed by somebody or
6 whatever, then you look for him to pay some
7 taxes on that money, right?

8 MR. BOWIE: No, I guess to clarify
9 what we mean, and we might need to clarify the
10 form. If you're owning, if you own your cab
11 and you're operating as a business, then yes,
12 you need to file the D-30 return. If you're
13 operating as an employee, you know you don't
14 file a D-30 return, you just report income you
15 earn on your D-40 return.

16 MR. LUCAS: FR-500, to register
17 with the Tax and Revenue?

18 MR. BOWIE: And what I said was
19 that yes, we probably maybe need to clarify
20 the form, but if you're operating a business
21 owning your cab, then yes, you need to file an
22 FR-500 and FR-500-T.

1 GENERAL COUNSEL THOMPSON: And I
2 might add, if you're leasing it, those two
3 scenarios, that's who gets captured.

4 MR. LUCAS: But yes, you need to
5 clarify that because what I read on the screen
6 you're not saying that.

7 GENERAL COUNSEL THOMPSON: Okay.

8 MR. BOWIE: Okay.

9 MR. LUCAS: You're saying that
10 everybody who gets an I.D. card, whether
11 you're a taxicab driver or a chauffeur, you
12 need to do the FR-500 and 500-T.

13 MR. BOWIE: No, that's fair. We
14 will clarify it.

15 GENERAL COUNSEL THOMPSON: Thank
16 you.

17 CHAIRMAN SWAIN: Additionally,
18 additionally, what we'll do is that we'll go
19 ahead and after we get a clean copy of it
20 we'll post it on our website also for you, so
21 you can have it then for you also.

22 Yes, sir, Mr. Vaugh?

1 MR. VAUGH: Okay. My name is John
2 Vaugh, Washington Cab Number One. My question
3 is, is you know, is this a commuter tax? You
4 said you won a case in court. So if you won a
5 case in court, was that case saying that you
6 could levy a tax against the taxi drivers in
7 D.C.?

8 MR. BOWIE: What the case said is
9 if you're a non-resident and you're doing
10 business here, then you're required to file a
11 tax return.

12 MR. VAUGH: Okay. Right. Now,
13 another thing, you mentioned employee. How
14 would that play with the taxicab industry when
15 you say employee, or was that directed at the
16 limousines?

17 MR. BOWIE: I mean I'm not sure
18 what you're asking?

19 MR. VAUGH: Okay. You used the
20 word employee when you were describing --

21 MR. BOWIE: Employee in the sense
22 that you're working for someone else.

1 MR. VAUGH: Okay. Well, the
2 District, in the District of Columbia, we do
3 not work for cab companies. We are self-
4 employed people. We aren't employees. Now,
5 I'm trying to get this clear in my head as to
6 when you said employee, were you referring to
7 the taxi drivers? Now, I know the limousine
8 drivers is hired, quite a few of them. You
9 know, were you directing that at the limousine
10 drivers or were you saying taxi drivers and
11 limousine drivers because we are not employed
12 by a cab company?

13 MS. JONES: So, in the District of
14 Columbia, there is no individual that actually
15 drives for a cab company as an employee? Is
16 that what you're telling me?

17 MR. VAUGH: Yes, ma'am.

18 MS. JONES: So when I said vehicle
19 owned by a D.C. business, the driver is an
20 employee and resident of the District, the
21 driver must file a D-40, Individual Income Tax
22 Return with the District of Columbia, then

1 that's not applicable to taxicab drivers. It
2 must be limousine drivers because it's
3 supposed to be for drivers, whether taxicab or
4 limo.

5 MR. VAUGH: Right, that's what I
6 was -- okay. You've got that straight.

7 MS. JONES: Okay.

8 MR. VAUGH: Now --

9 MR. VACCA: This conversation does
10 cover limos as well.

11 MS. JONES: Right.

12 MR. VACCA: So they would refer to
13 limousines in that case.

14 MR. VAUGH: Okay. Now, one more
15 thing about obtaining your DCTC and tags and
16 whatever. In October of '06, my cab was
17 giving me all kinds of problems, so what I had
18 to do was I had to put the car in the shop.
19 And it cost me a little over 1,300 dollars to
20 get it out. So I decided I was not going to
21 keep this car in service. I was going to buy
22 me another car. So I went to Southern Lincoln

1 Mercury and got me an >06 Mercury. Now, I
2 came to DMV and they did not allow me to put
3 the car into my name. I had to put it into
4 Washingtonian=s name. Now, at this time you
5 say I can put it in my name it's going to cost
6 me some money to go through all this
7 rigamarole of bringing, you know, going back
8 through inspection. The tags is not in my
9 name. They are in Washingtonian's name. Now,
10 I'm trying, I'm paying the car note. I paid
11 23,000 dollars for this automobile, but I was
12 forced, well, I was forced because I couldn't
13 do it no other way. I was forced into putting
14 this taxicab into Washingtonian's name. I was
15 wondering is there anything that the motor
16 vehicles could do to straighten this out where
17 it won't cost me no more money.

18 MR. EDMONSON: Are you a D.C.
19 resident?

20 MR. VAUGH: No, no. I live in
21 Upper Marlboro, Maryland. That's what they
22 told me that being I was not a D.C. resident,

1 I had to put it in the cab company's name or I
2 couldn't, in other words, it would've put me
3 right out of business. So I went on and I had
4 to do what they told me to do.

5 MR. EDMONSON: So under the
6 circumstances, if you, and we can talk about
7 this after this meeting. We can contact you
8 and we can contact to your specifics, but
9 under the contacts that you're describing, one
10 of two things is going to have to eventually
11 happen. You're going to have to get different
12 tags. You're going to have to go back and get
13 Maryland tags because if I'm hearing you, you
14 currently have D.C. tags on your car?

15 MR. VAUGH: H-tags, yes.

16 MR. EDMONSON: Right. So you
17 wouldn't be able to retain those. You would
18 have to get Maryland tags. But we can talk
19 about that after this. Okay.

20 You can contact Jamie or myself and
21 we can discuss it.

22 MR. VAUGH: Okay.

1 MR. EDMONSON: Yes, sir?

2 COMMISSIONER TAPSCOTT: Are we, are
3 you saying we going to have cabs, D.C. cabs
4 operating in D.C. with Maryland tags and
5 Virginia tabs?

6 MR. EDMONSON: We have that
7 currently?

8 COMMISSIONER TAPSCOTT: We had 13
9 that was, we voted to not to put on the street
10 anymore, only 13.

11 MR. EDMONSON: Okay. I'm not
12 familiar with what he's describing.

13 MR. VAUGH: Okay. One more, just
14 one more thing and I'm going to sit down. But
15 I'm not clear as to what am I supposed to do
16 here?

17 MR. EDMONSON: Okay. Can we talk
18 about your specifics after this meeting?

19 MR. VAUGH: Right. Right. Right.
20 Okay.

21 MR. EDMONSON: I'll be happy to
22 address to address that.

1 MR. VAUGH: Thank you, sir.

2 COMMISSIONER TRAVIS: Okay. I'm
3 going to just say one thing --

4 CHAIRMAN SWAIN: Excuse me for one
5 -- excuse me, Mr. Edmonson will be available
6 after this meeting. We have about 15 minutes
7 of time.

8 Ms. Travis, you were going to say
9 something?

10 COMMISSIONER TRAVIS: Right. I
11 want to say that initially when this whole
12 change was made. Initially, this whole
13 process came up about the, you know, the out
14 of state cars, vehicles. We talked to the
15 former director and she said at that time, the
16 reason you couldn't get your car registered in
17 D.C. was because the cars, the vehicles were
18 registered, not the drivers. And now, I think
19 with this new emergency legislation, I think
20 the drivers will be registered. So you will
21 be able to change your car if you have, in the
22 system since March 1st, >06. And that was the

1 problem then. If you could be driving in the
2 District and be grandfathered in but go out
3 and have an accident, then you couldn't re-
4 register your car. But that was the whole
5 issue about making a distinction between
6 grandfathering the vehicle and grandfathering
7 the drivers.

8 GENERAL COUNSEL THOMPSON: Mr.
9 Price?

10 MR. PRICE: I'll let the pow-wow
11 finish first.

12 My name is Nathan Price. I'm a
13 spokesman for the D.C. Professional Taxicab
14 Drivers. I came in late, but I heard
15 something very alarming. Long before D.C.
16 government had elected officials, the DCTC was
17 our business license. Now, all of a sudden
18 we're hearing this collusion, whether it's
19 from the mayor, the city council, or the
20 bureaucrats about further licensing, further
21 fees.

22 Basically, it sounds like you're

1 trying to run the small entrepreneur out of
2 business. The mayor talked about looking at
3 New York as an example and you would look at
4 the zone system. But no city that I know of
5 puts as much regulations on its taxicab
6 drivers as the District of Columbia. What
7 you're doing, to me, is an abominable sin.

8 We have something we should be
9 proud of. We are a minority-based owned taxi
10 industry, or just industry period. And that
11 is unique in America, or perhaps anywhere else
12 in the world. With all these extra
13 regulations and back-sliding that has done to
14 this industry, eventually you're going to
15 force us out of business and open the doors
16 for corporations to come in and sweep us under
17 the rug.

18 You know, it's a very sad legacy
19 that what's happening here. And this is all
20 about taxes, or community taxes, then say what
21 it is. Don't keep hiding behind the cloak of
22 licenses and fees because you do it to no

1 place else.

2 Taxicab drivers are a base member,
3 maybe borderline industry where they don't
4 make a great deal of income. Whenever I work,
5 every now and then, I take lawyers home who
6 live in Potomac, Falls Church, McLean, Spring
7 Valley, and Washington, Chevy Chase. These
8 people who make high six, seven figure
9 salaries. If you don't do it to them, why are
10 you doing it to us?

11 You may not want to call it racism,
12 but it surely gives that appearance.

13 Thank you.

14 MR. LUCAS: William Lucas, I was
15 here before. And I just happen to read, open
16 this packet that the young lady just brought
17 down here. And on this Unincorporated
18 Business Tax it says if the amount of owed is
19 less than 100 dollars, the minimum amount of
20 100 dollars is required to be paid. So, you
21 have to pay something. It's not free. It's
22 in the manual.

1 MS. JONES: Which book is that,
2 sir?

3 MR. LUCAS: It's, the young lady
4 just brought it out. Where it says combined
5 business tax legislation advocacy. If you
6 look in the book.

7 MS. JONES: Combined business tax
8 registration application?

9 MR. LUCAS: Yes. It's 100 dollars
10 for each, the D-20 and the D-30.

11 CHAIRMAN SWAIN: Mr. Lucas, where
12 are you, what page?

13 MS. JONES: I'm going to let Ms.
14 Boyd?

15 MS. BOYD: You're speaking of Part
16 2, D.C. tax requirements?

17 MR. LUCAS: Right.

18 MS. BOYD: Are you speaking of the
19 Corp Franchise Tax or the unincorporated?

20 MR. LUCAS: Well, both of them is
21 100 dollars.

22 MS. BOYD: Okay. Under the

1 unincorp., it says if your gross receipts
2 exceeds 12,000 dollars, you have a minimum of
3 100 dollar requirement. So that means if your
4 gross receipts is 12,001 dollar, you have a
5 minimum of 100 dollars to pay, regardless. If
6 it's less than 12,000 dollars and you file the
7 unincorporated return, you have a zero tax
8 due. If it's a Corp Return, whether you have
9 a zero or over 12,000, you have a minimum of
10 100 dollars. That's on the corporate level.

11 MR. LUCAS: It says if you owe less
12 than 100 dollars, then you still got to pay
13 100 dollars.

14 MS. BOYD: That's for --

15 MR. LUCAS: So if you owe zero, you
16 still got to pay 100 dollars.

17 MS. BOYD: That's if, for the
18 unincorporated, that's if your gross receipts
19 are more than 12,000 dollars. If your tax
20 come out to be less than 100 dollars, you
21 still have a minimum of 100 dollar
22 requirement.

1 MR. LUCAS: That's what I just
2 said.

3 MS. HOLMAN: My name is Yolanda
4 Holman and the reason why I'm here is because
5 in 2006 I took the course at UDC for the, to
6 get my license to drive a taxicab. And I have
7 since then been unable to take the exam. I
8 was, I passed the class and I had my
9 certificate of completion, but I have not been
10 able to take the examination to get my DCTC
11 and I wanted to find out when, because it=s
12 been a year and a half, and I've invested
13 quite a bit, 400 plus for the class, the
14 books, and other expenses, and I still have
15 not been able to take the exam in order to get
16 my license to drive a cab in D.C. I am also a
17 former, I do have, I previously had a DCTC,
18 but I want to know when I'm going to be able
19 to take my exam.

20 CHAIRMAN SWAIN: Ms. Holman?

21 MS. HOLMAN: Yes.

22 CHAIRMAN SWAIN: Okay. As you

1 know, the test was compromised and they had to
2 rewrite the test.

3 MS. HOLMAN: No, I didn't know
4 that.

5 CHAIRMAN SWAIN: Well, the test was
6 compromised and they had to rewrite the test.
7 The test right now is in its final stages of
8 being proofread and everything else. We look
9 to have it announced by the end of August and
10 have the test back up and running in
11 September. Now, I've talked to --

12 MS. HOLMAN: Of this year?

13 CHAIRMAN SWAIN: Yes, ma'am. I've
14 spoke to the people at UDC. The individuals
15 that have already taken the course, they're
16 going to be offering them a free refresher
17 course and then what we're going to do is
18 we're going to start testing the people as
19 they finish, or when they think that they're
20 ready to finish the test, we're going to put
21 those people in and start doing the testing.
22 Hopefully, we'd like to have it up in

1 September, ma'am.

2 MS. HOLMAN: Okay, so in September
3 >07, this year --

4 CHAIRMAN SWAIN: September of >07.
5 That's right.

6 MS. HOLMAN: You=re going to open
7 up the testing?

8 CHAIRMAN SWAIN: That is when it is
9 projected to open up, yes, ma'am.

10 MS. HOLMAN: Okay. I have your
11 word on that because I've been hearing a whole
12 bunch of this and that?

13 CHAIRMAN SWAIN: Ms. Holman?

14 MS. HOLMAN: Yes?

15 CHAIRMAN SWAIN: If there's
16 anything that I can personally do to make sure
17 that it's up by September of >07. We have a
18 revision. Hey, I'm being right up front with
19 you. We have a revision.

20 The new information that I have
21 received is that we hope that we will have it
22 up in the fall of >07, in the fall of >07.

1 GENERAL COUNSEL THOMPSON: I=m
2 sorry, Ms. --

3 CHAIRMAN SWAIN: Ms. Holman.

4 MS. HOLMAN: My name is Yolanda
5 Holman.

6 GENERAL COUNSEL THOMPSON: Ms.
7 Holman, one of the -- the reason I handed this
8 to him is because the test was actually closed
9 by the Commission itself. And so we have one
10 step that's going to require us to come back
11 to, to the Commissioners. So we are out of
12 session in August, so that's part of the
13 reason I said Fall. But we are, in essence,
14 shooting, targeting for this Fall.

15 MS. HOLMAN: Okay. And what did
16 you say about personally ensuring that?

17 CHAIRMAN SWAIN: No, ma'am, you
18 asked would you personally ensure. I told you
19 that I would do the best that I can.

20 MS. HOLMAN: Okay. I need to get
21 your name then.

22 CHAIRMAN SWAIN: Okay. I'll give

1 you the name and phone number, but I'll tell
2 you right up front, but I have long since very
3 quickly found out but I do not stick my head
4 in the noose with the D.C. Taxicab Commission.
5 I found that out very quickly.

6 If you would like my phone number,
7 I would be more than happy to give it to you.

8 MS. HOLMAN: Okay.

9 CHAIRMAN SWAIN: I'll give it to
10 you now. It's a matter of public record.

11 MS. HOLMAN: Okay.

12 CHAIRMAN SWAIN: 202 --

13 MS. HOLMAN: Yes.

14 CHAIRMAN SWAIN: 645.

15 MS. HOLMAN: 645.

16 CHAIRMAN SWAIN: 6005.

17 MS. HOLMAN: 6005. And your name?

18 CHAIRMAN SWAIN: My name is Leon
19 Swain, S W A I N. And I live right here in
20 D.C. My address and everything is public
21 record.

22 MS. HOLMAN: Okay.

1 CHAIRMAN SWAIN: Look in the phone
2 book. I'm right there.

3 MS. HOLMAN: All right. Thank you.

4 CHAIRMAN SWAIN: Thank you.

5 GENERAL COUNSEL THOMPSON: Could I
6 ask you a question? You said you had a DCTC.
7 You had a hack license?

8 MS. HOLMAN: Yes.

9 GENERAL COUNSEL THOMPSON: And when
10 did it expire?

11 MS. HOLMAN: >92.

12 GENERAL COUNSEL THOMPSON: Do make
13 the call because your scenario may be actually
14 different.

15 MS. HOLMAN: Okay. Thank you.

16 PARTICIPANT: Two quick questions.
17 The gentleman at the end here said do we now
18 have to register our cabs with Maryland or
19 D.C. plates. I understood the emergency
20 legislation changed that and we need D.C.
21 plates if you're out of state.

22 CHAIRMAN SWAIN: I'm sorry. Would

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1 you repeat that?

2 PARTICIPANT: You just told us if
3 we had to, if we were out of state, we had to
4 register our cab in our state of residence,
5 which was previous to our -- I understood we
6 could get H-Tags from the District of Columbia
7 as a non-resident.

8 MR. EDMONSON: Were you, and part
9 of the correction to the gentleman before, if
10 he was registered as of March 1st, 2006, that
11 wouldn't be applicable. Is that your
12 scenario?

13 PARTICIPANT: I'm still registered
14 with District of Columbia plates. I
15 understood I could replace my equipment with
16 D.C. tags?

17 MR. EDMONSON: You can. You can.

18 PARTICIPANT: I don't have to have
19 Maryland plates?

20 MR. EDMONSON: No, you don't.

21 PARTICIPANT: Because that's
22 unworkable. My insurance -- okay. My other

1 question is to the Commissioner.

2 I don't have access to the
3 Internet. How can I get a copy of the meter
4 study?

5 CHAIRMAN SWAIN: 2041 Martin Luther
6 King, 1204, it's right there at the counter.
7 We would be more than happy to provide it for
8 you, sir.

9 PARTICIPANT: Okay. So they're
10 available right now?

11 CHAIRMAN SWAIN: Yes, sir.

12 PARTICIPANT: Okay. Thank you.

13 CHAIRMAN SWAIN: Excuse me. Before
14 you get started, this is going to be the last
15 question. We're going to have to shut this
16 down. We've more or less overstayed our
17 welcome as to what we've paid for. So you can
18 go ahead, sir.

19 MR. EDWARDS: My name is Billy Ray
20 Edwards, 864 Yellow. You know, this tax thing
21 really began to bother me. I want to just ask
22 a series of questions.

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1 And the first question I want to
2 ask is -- does not -- do you charge me taxes
3 on my business, doesn't the District
4 government have a mandate to protect my
5 business? To say that, to say this, you know,
6 when Super Shuttle first came aboard, I was
7 attending a meeting down in City Hall. They
8 took home 12 million dollars, 12 million
9 dollars. They paid 800 and some dollars in
10 taxes out of 12 million dollars they took out
11 of this city.

12 Now, you are enforcing this new tax
13 rule on us after taking our business license
14 away that gave us the right to operate in the
15 District and forcing us to pay taxes. Now,
16 you got Red Top, you've got Barwood. Now, how
17 are you going to tax these people? In other
18 words, they have to got a setup right now,
19 where I saw the other day a little notice that
20 came with Washington Flyer taxicab company
21 that works out of Dulles Airport that
22 basically says that, you know, call us we'll

1 give you a half price ride back to the airport
2 when you get ready to leave. Now, what that's
3 done by opening up the District of Columbia to
4 Maryland taxicabs and you're opening up the
5 District of Columbia to all kinds of limousine
6 services that siphon off the bottle of the
7 good work that happens inside of the city, in
8 terms of taxicabs. I mean, you know, isn't
9 there some kind of unfairness in the fact that
10 you want to charge D.C. and Maryland residents
11 taxes when you're not charging those companies
12 that come in and pick up business in this
13 city? I mean is that fair? There are
14 corporations that come in this city and rape
15 us out of our fares and yet still you're
16 trying to lock us into a hole that we cannot
17 even get out of the city if these companies
18 like Barwood and Red Top have car service to
19 take people back to their jurisdictions where
20 we're not allowed to do that. We can't pick
21 up in their jurisdiction and bring them back
22 into Washington, D.C., which was sort of a

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1 reciprocity agreement that we opted out of.

2 But the point that I'm trying to
3 make is what are you going to do to Maryland
4 and D.C. taxicabs who can come into this city
5 and take the prime jobs out of this city? Are
6 you going tax them too?

7 CHAIRMAN SWAIN: Yes, I'm getting
8 ready to answer that right now.

9 First of all, Mr. Edwards, we're a
10 member of COG. And I'm about ready to attend
11 my first COG meeting. I personally think that
12 it's been unfair the mere fact that we can't
13 bring people back from the airport. And
14 that's exactly what I plan to say to COG when
15 I meet with COG at our next meeting.

16 The other part is that it has to do
17 with enforcement. I will be the first one to
18 tell you that we're willfully on demand where
19 we have hack inspectors, as some of our hack
20 inspectors need additional training.
21 (Transcript Error: Part of this does not make
22 sense) I fully understand. But I will

1 tell you this, we will start enforcing the
2 rules and regulations that are on the books,
3 insofar as out of state vehicles. I have told
4 my hack inspectors this. I have not wavered
5 on this point.

6 MR. EDWARDS: Yes, but I mean I
7 don't know about this agreement. I wasn't a
8 party to the agreement, you know. I know
9 about this COG thing. This is the first
10 meeting that I attended in the last eight or
11 nine months and I ask that somebody from the
12 organizations, Mr. Wright or, Lord have mercy,
13 Mr. Price, or somebody would be allowed to
14 attend these meeting to add this input into
15 these meetings.

16 But, you know, you come down here
17 today and you put this extra burden on us as
18 drivers and this tax issue. And my question
19 is, you have a right, a responsibility to
20 protect my rights in this city as a hacker.
21 And you're going to charge me taxes, then I
22 must demand that you protect my rights. If

1 you're going to charge me taxes, then you need
2 to charge all of these buses, all of these
3 limousines that's coming into this city raping
4 us, ripping off and raping us like they're
5 doing, with the jobs going back to Dulles
6 Airport, and now they're trying to lock it up
7 so that D.C. cabs won't even be able to go
8 outside the city. And that's not fair to us.
9 You need to, why didn't you, before you come
10 up with this assessment, tax plan, why didn't
11 you sit down with the organizations, like the
12 Professional DC Taxicab driver, Mr. Wright,
13 and discuss this issue before you try to force
14 this thing down our throats. Because I'm sure
15 you going to take back some of the things to
16 the people that maybe got more power to you to
17 explain to them the issues of concern of us as
18 drivers when we are required to pay taxes when
19 you're going to allow Maryland and Virginia
20 taxicabs to come into this city and take our
21 business away from us.

22 It's not fair and if you're going

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1 to enforce this issue about taxes, then you
2 must enforce this issue about taxes on those
3 companies that's coming in from Maryland and
4 Virginia and doing business in this city just
5 like I'm doing.

6 You know, when I said to you that I
7 have now a problem about the fee that I pay
8 for my business license. I have a problem
9 with the fact that the District government saw
10 fit to take my business license. I don't care
11 what you say. It said on that thing, a public
12 vehicle license for hire for that vehicle.
13 That was my business license. That is my
14 business. And you all have a right to charge
15 me taxes if you're going to charge anybody
16 else taxes to operate in this city like that.

17 CHAIRMAN SWAIN: Mr. Edwards, I've
18 heard every word that you said and I've always
19 known how you felt about certain issues,
20 including out of state vehicles. I will only
21 tell you this, taxes and the regulation of
22 taxes does not come under the D.C. Taxicab

1 Commission. But the part that comes under the
2 D.C. Taxicab Commission, having to do with
3 enforcement, the buck stops with me.

4 I am solely responsible for the
5 enforcement of the rules and regulations of
6 the D.C. Taxicab Commission. I am solely
7 responsible for the output and for the input
8 that I get from my hack inspectors. As much
9 as I can do dealing with my own Agency, and I
10 can speak not for any other Agency and I
11 wouldn't even begin to, but what I can do that
12 comes under my Agency, I will be responsible
13 for.

14 MR. EDWARDS: But, you know --

15 CHAIRMAN SWAIN: But the other part
16 about it, hold on, sir, the other part about
17 it simply is this. Where was everybody at
18 when they were talking about this?

19 MR. EDWARDS: We were at the
20 hearings.

21 CHAIRMAN SWAIN: Hold on. Now, you
22 understand this, there were meetings down at

1 City Council. My thing was I came here and
2 this is what I have. I have inherited the
3 emergency tax legislation. And I'm going to
4 tell you something, I can not change the
5 emergency tax legislation. All I'm changing
6 here --

7 MR. EDWARDS: I'm not asking. I'm
8 not asking --

9 CHAIRMAN SWAIN: I know, but you're
10 asking for the protection for your business
11 license --

12 MR. EDWARDS: But the point, the
13 point that I'm trying to make, you know, okay,
14 even when your hack inspectors was up in full
15 force, you know, they ran roughshod over us as
16 drivers in the city, not including people who
17 came into this city to do business. They
18 didn't do nothing to them. I mean I know that
19 may change, but the point that I'm trying to
20 make, this issue about the taxes still reverts
21 back to this Commission. I'm going to tell
22 you why, because if you're going to require me

1 in order to get a DCTC from the Taxicab
2 Commission to fill out tax forms, so that
3 means you're a culprit. You're a culprit
4 within this government system of ripping off
5 and raping us as drivers.

6 And my question to you, take it
7 back. I mean go back and ask these questions
8 to your legal minds and find out if Barwood,
9 Red Top and all of those buses and pull carts
10 that I see in this city that's happened, are
11 they going to be required to pay taxes too?
12 You need to get that, you need to get that
13 issue straightened out before you come to us
14 about some taxes. And you know, its bad
15 enough at this point, you know, people have
16 already explained that, you know, the way that
17 tax structure is setup it could be more
18 cumbersome than anything else. All we want to
19 do is try to make a living as human beings in
20 this city and we need the protection of the
21 D.C. Taxicab Commission. We need the
22 protection of the D.C. government when it

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1 comes to regulating this industry to a point
2 where it=s operated and considered fair among
3 all of us as drivers.

4 Right now, it is totally unfair. I
5 would hope that when you do go to COG that you
6 will take some, Mr. Wright or somebody from
7 the D.C. Taxicab Commission with you that
8 maybe they understand the issue out at that
9 airport like I do.

10 I have a car that's a >96, but I'm
11 not allowed to work at the airport. But you
12 could put a car on the street with 300,000
13 miles and my car would eat yours ten years
14 over and it ain't got 150,000 miles on it
15 because of the way that I work.

16 And all that I'm asking the people
17 from this Taxicab Commission to do is protect
18 my interests. And when I say protect my
19 interest, protect my interest against this tax
20 thing because the question is what are you
21 going to do with these people that=s not
22 residents of this city that's allowed to come

1 into this city and pick up my fares and take
2 them home.

3 CHAIRMAN SWAIN: Mr. Edwards, I
4 will take your concerns back.

5 We are already past our allotted
6 time that we have already paid for. And so,
7 like I said Mr. Edwards was going to be the
8 last B- yes, sir, Mr. Wright. You know you
9 can come tomorrow if there's any time.

10 GENERAL COUNSEL THOMPSON: The test
11 may be at the UDC location, but UDC does not
12 do our tests. (Transcript Error: Appears to
13 be detached from a statement or conversation)

14 CHAIRMAN SWAIN: Ladies and
15 gentlemen, thank you very much for coming and
16 participating. Due to the lateness of the
17 hour, I'm going to have to call this meeting
18 adjourned, but if you have some additional
19 questions, we will be standing by if you have
20 some other questions.

21 Thank you very much.

22 (Whereupon, the meeting of the D.C.

1 Taxicab Commission was adjourned at 12:09

2 p.m.)

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